

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0368

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1021** - 1/15/00

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to conciliation of labor
2 disputes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 60-10-2 be amended to read as follows:

5 60-10-2. If its efforts as conciliator prove unsuccessful, the Department of Labor shall , if
6 requested by either party, ~~impartially investigate the matters in difference between the parties.~~
7 ~~The request to the department shall be mailed within twenty days after the conclusion of the~~
8 ~~conciliation procedure provided for in § 60-10-1. The department shall give each party ample~~
9 ~~opportunity for presentation of the facts and~~ immediately require each party to present their
10 rational on the remaining issues in dispute. The department shall make a report of the issues
11 involved and a recommendation for settlement of ~~the controversy~~ each unresolved issue,
12 including its rationale for any recommendation. The department shall furnish a copy of its
13 recommendation to each of the parties and to any local newspaper for publication for the
14 information of the public.

15 Section 2. That § 60-10-3 be repealed.

16 ~~60-10-3. The secretary of labor shall have the right, if he so desires, or if requested by either~~

1 ~~party, to call in two capable citizens not directly connected with the dispute, one to be named~~
2 ~~by each party, to assist in the investigation and advise with him as to his recommendations.~~

3 Section 3. That § 3-18-8.1 be amended to read as follows:

4 3-18-8.1. In case of impasse or failure to reach an agreement in negotiations conducted under
5 the provisions of this chapter, either party may request the Department of Labor to intervene
6 under the provisions of §§ 60-10-1 to 60-10-3, inclusive. Such request shall be mailed within
7 ten days after a written statement is delivered to the designated representative for the other party
8 declaring an impasse. Nothing in this section prohibits the parties to an impasse from adopting
9 any other procedure to facilitate a settlement that is mutually agreeable.

10 Section 4. That § 60-9A-10 be amended to read as follows:

11 60-9A-10. In case of a labor dispute or grievance, including ~~but not limited to~~ an impasse or
12 failure to reach an agreement in negotiations, either party may request the department to
13 intervene under the provisions of §§ 60-10-1 to 60-10-3, inclusive. Nothing in this section ~~shall~~
14 ~~prohibit~~ prohibits the parties to such an impasse or dispute from adopting any other procedure
15 to facilitate a settlement that may be mutually agreeable.

16 Section 5. That chapter 60-10 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 Upon receipt of a recommendation for settlement of a labor dispute issued pursuant to § 60-
19 10-2, any school district or local government shall:

- 20 (1) Publish the recommendation and its summary of the rationale for the recommendation
21 for the settlement of the labor dispute, along with the date scheduled for a public
22 meeting where action on the recommendation will be taken, in the newspaper that has
23 been designated for publication of official records of the employer;
- 24 (2) Provide notice pursuant to § 1-25-1.1 of the public meeting where action on the
25 recommendation will be taken;

- 1 (3) Conduct a public meeting to provide interested parties a reasonable opportunity to
- 2 comment on the recommendations for settlement of the labor dispute; and
- 3 (4) Take official action on each recommendation for settlement of the labor dispute. The
- 4 public employer shall provide rationale for the action taken on each recommendation.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to State Affairs. H.J. 16

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 State Affairs Deferred to another day.

5 1/15/00 Scheduled for Committee hearing on this date.

6 1/15/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 50

7 1/16/00 Scheduled for Committee hearing on this date.